



(#10) 7/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 032931/0246

re patent application of
MURDIN, Andrew D. et al.

Serial No.: 09/824,567

Group Art Unit: 1634

Filed: April 3, 2001
Goldberg

Examiner: Jeanine Anne

For: CHLAMYDIA ANTIGENS AND CORRESPONDING DNA FRAGMENTS
AND USES THEREOF

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RESPONSE TO RESTRICTION REQUIREMENT and AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated June 17, 2002, Applicants hereby elect the claims of Group I (claims 1-14, 19, 35, 36 and 38), drawn to nucleic acids, vectors, host cells, vaccines and pharmaceutical composition, for prosecution in the subject application, with traverse.

It is respectfully submitted that by this Amendment, the subject matter of the claims is sufficiently related that a thorough search for the subject matter of a single independent claim would necessarily encompass a search for the subject matter of the remaining claims.

Thus, it is respectfully submitted that the search and examination of the entire application could be performed without serious burden. MPEP §803 clearly states that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants in duplicative examination by the Patent Office.

The Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement and to examine all the claims now pending in this application.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

If there are any fees due in connection with the filing of this Amendment, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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